



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Re: Application of: Benjamin OSHLACK, et al.

Serial No.: 10/054,726

Filed: November 12, 2001

Art Unit: 1617

Examiner: Edward J. Webman

Confirmation No. 4195

For: **STABILIZED CONTROLLED RELEASE
SUBSTRATE HAVING A COATING
DERIVED FROM AN AQUEOUS DISPERSION
OF HYDROPHOBIC POLYMER**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

May 5, 2003

**RESPONSE TO RESTRICTION REQUIREMENT AND
ELECTION OF SPECIES REQUIREMENTS**

Sir:

In an Office Action dated March 3, 2003, the Examiner has restricted the claims to two groups:

Group I: Claims 1-11 and claims 25-28, drawn to compositions classified in class 424, subclass 495

Group II: Claims 12-24, drawn to a method of making, classified in class 427, subclass 2.14.

Applicants elect Group I, including claims 1-11 and claims 25-38. This election is made without traverse.

The Examiner has also stated that "[c]laim 3 is generic to a plurality of disclosed patentably distinct species comprising actives" and that Applicants are required under 35 U.S.C. 121 to elect a single species. With respect to this election of species requirement, Applicants elect non-steroidal anti-inflammatory agents for further prosecution on the merits in the event that no generic claim is found to be allowable. Applicants make this election of species without traverse.


The Examiner has also stated that "[c]laim 10 is generic to a plurality of disclosed patentably distinct species comprising release-modifying agents" and that Applicants are required under 35 U.S.C. 121 to elect a single disclosed species. With respect to this election of species requirement, Applicants elect hydroxypropylmethylcellulose for further prosecution on the merits in the event that no generic claim is found to be allowable. Applicants make this election of species without traverse.

Applicants have enclosed a petition for a one month extension of time under 37 CFR 1.136(a). A check for \$110.00 to cover the fee under 37 CFR 1.17(a)(1) is also enclosed. The due date has therefore been extended to May 5, 2003, since May 3, 2003 is a Saturday, and this response is timely filed.

It is believed that no fee other than a 1-month extension of time is due for this response. If it is determined that any other fee is due, the Examiner is authorized to charge such fee to Deposit Account No. 50-0552. An early and favorable action is earnestly solicited.

Respectfully submitted,
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